

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL GRID COMMUNICATIONS, INC.,)
Plaintiff)
V.) C. A. NO. 05-30131-MAP
TOWN OF LENOX and)
LENOX ZONING BOARD OF APPEALS,)
Defendants)

JOINT MOTION TO FURTHER EXTEND TIME FOR OPPOSING MOTION TO
INTERVENE AND FOR A STAY OF COURT ACTION ON THE AGREEMENT
FOR JUDGMENT SUBMITTED BY THE PLAINTIFF AND THE DEFENDANTS

The Plaintiff, National Grid Communications, Inc., and the Defendants, Town of Lenox and Lenox Zoning Board of Appeals, with the assent of proposed intervenor Lenox Meadows, LLC, jointly move that this Honorable Court further extend the deadline for responses to Lenox Meadows, LLC's Motion to Intervene from October 12, 2006, to October 27, 2006, on the grounds that the Plaintiff and the Defendants, having agreed upon a settlement of this matter, have almost completed their settlement discussions with Lenox Meadows, LLC, which may also resolve all issues raised in the Motion to Intervene and in the underlying case as well. The parties and Lenox Meadows also ask this Honorable Court temporarily to stay any action on the Agreement for Judgment which was filed on September 12, 2006.

Further in support of this Motion, the parties state the following, and
Lenox Meadows, LLC, concurs:

1. On September 12, 2006, Lenox Meadows, LLC, filed for intervention. On the same day, Plaintiff and the Defendants filed an Agreement for Judgment. Following discussions with counsel for Lenox Meadows, LLC, the parties have made further modifications of the proposed tower design and location, which modifications were the subject of a balloon test conducted on October 11, 2006. The parties and Lenox Meadows, LLC, anticipate that within the next week, discussions of said balloon test will either result in a settlement of all issues in the Motion to Intervene and in the underlying case , or will show that this Court. will be called upon to decide the Motion to Intervene.

2. The requested extension, and the stay of action on the Agreement for Judgment, would give the parties and Lenox Meadows the additional time necessary for the evaluation and discussion of the October 11, 2006, balloon test, and would not unreasonably delay the resolution of this matter.

Respectfully submitted,

NATIONAL GRID
COMMUNICATIONS, INC.,

By: /s/ Kenneth Ira Spigle
Kenneth Ira Spigle (BBO# 475220)
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(781) 453-3900
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Dated: October 12, 2006

TOWN OF LENOX and LENOX
ZONING BOARD OF APPEALS,

By: /s/ Jerome J. Scully
Jerome J. Scully (BBO # 449660)
Hannon, Lerner, Cowig, Scully & Bell
184 Main Street, PO Box 697
Lee, Massachusetts 01238
(413) 243-3311
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Assented to:

Lenox Meadows, LLC, (proposed Intervenor)

By its attorneys,

/s/ Sheryl A. Koval

Anthony M. Feeherry (BBO # 160860)

Sheryl A. Koval (BBO # 657735)

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